

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORIGINAL

DEF
C/M

-----x
J & J SPORTS PRODUCTIONS, INC., as
Broadcast Licensee of the October 1, 2005
TARVER/JONES II Program,

Plaintiff,

-against-

RICHARD VASQUEZ, Individually and d/b/a
RIGHT NEXT DOOR BARBER SHOP a/k/a
NEXT DOOR BARBER SHOP, and RIGHT
NEXT DOOR BARBER SHOP a/k/a NEXT
DOOR BARBER SHOP,

Defendants.
-----x

MEMORANDUM AND ORDER
No. 06-CV-335 (FB) (RER)

Appearances:

For the Plaintiff:

JULIE COHEN LONSTEIN, ESQ.
1 Terrace Hill, Box 351
Ellenville, NY 12428

BLOCK, Senior District Judge:

On July 21, 2006, Magistrate Judge Reyes issued a Report and Recommendation ("R&R") recommending that a default judgment of \$4,125 be entered in favor of plaintiff, J & J Sports Productions, Inc. ("J&J"), and against defendants, Richard Vasquez, individually and d/b/a Right next Door Barber Shop (a/k/a Next Door Barber Shop); and Right next Door Barber Shop (a/k/a Next Door Barber Shop), jointly and severally. The R&R recited that "[a]ny objections to the recommendations made in this report must be filed with the Clerk of the Court and the Chambers of the Honorable Frederic Block within ten days of receiving this Report and Recommendation," R&R at 12, and that "[f]ailure to file timely objections may waive the right to appeal the District Court's Order." *Id.* J&J's counsel served a copy of the R&R on defendants at their last


known address on August 3, 2006, *see* Docket Entry #16 (Certificate of Service), making objections due by August 21, 2006. *See* Fed. RR. Civ. P. 6(a), 6(e). To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of the Magistrate Reyes’ R&R, the Court adopts it without *de novo* review. The Clerk is directed to enter judgment in accordance with the R&R.

SO ORDERED.

Brooklyn, New York
August 30, 2006



FREDERIC BLOCK
Senior United States District Judge